



INTERIOR BOARD OF INDIAN APPEALS

John R. Haugh; Robert W. Jones; and Cyrus J. Sokoll
v. Albuquerque Area Director, Bureau of Indian Affairs

15 IBIA 54 (11/19/1986)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

JOHN R. HAUGH,
ROBERT W. JONES,
and CYRUS J. SOKOLL,
Appellants

each v.

AREA DIRECTOR, ALBUQUERQUE AREA
OFFICE, BUREAU OF INDIAN AFFAIRS,
Appellee

: Docket Nos. IBIA 87-9-A
: IBIA 87-10-A
: IBIA 87-11-A
:
:
: Order Docketing and Dismissing Appeals
: and Referring Cases to Director,
: Office of Hearings and Appeals
:
: November 19, 1986

On November 14 and 17, 1986, the Board of Indian Appeals (Board) received separate notices of appeal from John R. Haugh, Robert W. Jones, and Cyrus J. Sokoll (appellants). Appellants seek review of various decisions issued by the Albuquerque Area Director, Bureau of Indian Affairs (Area Director; BIA), concerning rental rate adjustments for their government-furnished quarters. In each case, the Area Director affirmed decisions made by the Jicarilla Agency Superintendent, BIA, that appellants owed additional retroactive rent because of a rental rate adjustment.

The appeals are hereby docketed under the respective above case names and numbers, which should be cited in all future inquiries or correspondence concerning the matters. The cases are consolidated for purposes of this order.

Appellants Jones and Sokoll included copies of the Area Director's October 28, 1986, decisions in their cases with their notices of appeal. The Area Director stated that any appeal should be filed with the Board of Indian Appeals. This statement is in error. Appeals from government quarters rental rate adjustments are not within the general review jurisdiction of the Board. 43 CFR 4.1(b)(2). Rather, appeals from these decisions should be filed with the Director, Office of Hearings and Appeals, who will appoint an ad hoc board to consider the matters. 43 CFR 4.1(b)(4).

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the above appeals are dismissed for lack of jurisdiction. The notices of appeal are referred to the Director, Office of Hearings and Appeals, for appropriate disposition. Cf., Kickapoo Tribe of Kansas v. Bureau of Indian Affairs, 14 IBIA 237 (1986); Walsh v. Deputy Assistant Secretary--Indian Affairs (Operations), 13 IBIA 312, recon. denied, 13 IBIA 330 (1985).

//original signed

Kathryn A. Lynn
Administrative Judge

//original signed

Anita Vogt
Acting Chief Administrative Judge